

REMARKS:

Response to Obviousness Rejections

Applicant believes that it is incorrect for the Examiner to rely on Beckett as teaching an “exposed portion of the support layer.” Beckett does not teach the kind of absence of decorative material and resulting exposed portion of the support layer, as contemplated in the above claims. In all cases, Beckett clearly teaches the requirement that a “stretch plastics film, eg pvc,” be applied to over the machined out part 14.

It would not have been obvious to combine the teaching of Sweet et al. and Beckett. as in Sweet et al. the intermediate layer and the bottom layer both being arranged below the top decorative layer are fabricated of inexpensive wood in contrast to the top decorative layer being of quality hardwood. The machined slots in Sweet are only on the underside of the panel, and are intended to incread flexibility and prevent bowing of panels. There is no decorative purposed for the slots on the underside of the panels in Sweet. This fact, and the covering over of machined areas in Beckett do not teach or suggest the formation of decorative exposed areas in the support layer.

To further clarify the reasons why the combination of Sweet and Beckett are distinguishable, claim 1 has been further amended to state that the depth of the removed or absent material is such that the carrrier is never exposed. As shown in Figure 3 of Beckett (prior to the application of the pvc covering), the carrirer (MDF) is significantly exposed.

Therefore, based on Beckett consistently cutting into the core MDF layer, a skilled person would not think to only partially remove the some of the top decorative layer or the top decorative layer and some of a support layer, such that layers other than the carrier or core would be visible.

Even if the teachings of Sweet et al. and Beckett would be combined they would not lead the skilled person to the claimed subject matter in an obvious way as Sweet et al. does not disclose that the support layer is a layer comprising kraft paper which is colored or dyed.

In Beckett (Figure 4), a sandwich of three layers is shown: 16A, 12, 10 and 16B, 12, 10. However, such a sandwich of layers is only achieved after the second material (a pvc) is applied over the base board and the first material. As the first material has no/poor adhesion relative to the second material, the skilled person would not leave the second material on top of the first material to provide a decorative panel with a relief pattern, e.g. by partly removing the second material from the first material, as the second material would not being attached to the first material in a secure way. Such an arrangement would not be suitable for furniture and also not for floor panels as the second material may be easily removed from the first material and then the appearance of the panel would not be the same as the one of a new panel.

In Ungar, the core layer, which may comprise four layers of resin impregnated paper, e.g. kraft paper, may be considered as a support layer. However, this kraft is not colored or dyed. The different layers are impregnated with different kinds of resin so as to provide layers having different tendencies to expand and contract under the influence of environmental factors. Importantly, there is no suggestion in Ungar to selectively machine away any part of the surface of Ungar.

Only Beckett discloses exposing part of a base board being covered by a first material of decorative quality. However, in Beckett the part exposed by removal of the first material is subsequently covered by the second material of decorative quality, i.e., a stretch pvc.

Even the feature that the second material may be a multilayer and color material and that a first layer may be removed from the second material to expose the second layer of different color does not render obvious the claimed subject matter. The first and second materials may be a melanin or plastic laminate sheet and even when removing the first layer of the second material no support layer of kraft paper colored or dyed will form an exposed portion if the decorative layer is removed.

Applicant is a Large Entity. Applicants believe that a two month extension of time fee (\$560.00) is required for submission of this Amendment. You are hereby authorized to deduct the required amounts

from our Deposit Account No. 02-0400 (Baker & McKenzie). When identifying such a withdrawal, please use the Attorney Docket Number ***BER-103***.

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BAKER & MCKENZIE LLP
130 E. Randolph Drive
Chicago, IL 60601
ph: +1 312 861 8608
fax: +1 312 698 2363

Respectfully,

/ David I. Roche /

David I. Roche
Reg. No. 30,797